

16.192 Removal, suspension, or reduction of grade or pay for positions created under KRS 16.187.

- (1) With the exceptions specified in this section and KRS 16.193, no officer commissioned under KRS 16.186 to 16.195 shall be removed, suspended, or reduced in grade or pay for any reason except inefficiency, misconduct, insubordination, or violation of law or of any administrative regulation promulgated by the commissioner. Any person may present charges in writing against any officer, which shall be filed with the Office of Internal Affairs, which shall be designated by the commissioner as the recipient of charges and shall be administratively responsible for the maintenance of good order within the department through the collection and investigation of charges and the retention of their dispositions. The charges shall be signed by the person filing the charges, and shall set out with clarity and distinction each and every charge. The commissioner, whenever probable cause appears, shall present charges against any officer whom he believes to have been guilty of conduct justifying his removal or punishment, in the interest of public order. Within five (5) days after the filing of charges, the Office of Internal Affairs shall deliver a copy thereof, personally, by certified mail, return receipt requested, to the officer offending. Within five (5) days after the receipt thereof, the officer may demand a public hearing, or may admit the truth of the charges in whole or in part. If the officer admits the truthfulness of the charges, the commissioner shall remove, suspend, or reduce in rank or pay the officer so offending, in proportion to the seriousness of the charges.
- (2) If the charges are denied and the officer demands a hearing within the time specified by subsection (1) of this section, he shall make his demand known to the commissioner in writing. After a demand for hearing has been made by the officer, the commissioner, within twenty (20) days from the date thereof, shall arrange for a public hearing before a trial board to be constituted in the manner provided in this section. The officer defendant shall be given not less than twenty (20) days notice of the time, place, and hour of the hearing.
- (3) Upon the hearing, all charges shall be considered traversed and put in issue, and the trial shall be confined and limited to the issues presented by the written charges. The trial board hearing the charges may summon and compel the attendance of witnesses at all hearings or sittings, by subpoena issued by the commissioner and served upon any witness by any sheriff or other person authorized by law to serve process. If any person fails to comply with any lawful order of the department or with process, or if any witness refuses to testify concerning any matter in which he may lawfully be interrogated, any Circuit Judge, upon application of the trial board or the commissioner, may compel obedience by proceedings for contempt as in the case of disobedience of a subpoena issued from the Circuit Court or a refusal to testify in that court.
- (4) The officer defendant shall have the right to subpoena in his behalf any witnesses he may desire upon furnishing their names to the trial board or to the commissioner. The officer shall likewise have the right to appear in person and by counsel.

- (5) All charges against the officer defendant, together with all proceedings before the trial board, shall be transcribed and reduced to writing and a permanent record kept thereof.
- (6) In any instance where the commissioner has probable cause to believe that an officer has been guilty of conduct justifying his removal or punishment, he may immediately suspend the officer from duty, or from both pay and duty, pending trial, and the officer shall not be again placed on duty or allowed pay thereafter until a determination of the charges under this section.
- (7) The trial board, after hearing the charges, shall fix the punishment of any officer found guilty of any one (1) or more charges, by reprimand or suspension for any length of time not to exceed six (6) months, or by reducing the grade if the officer's classification warrants same, or by combining any two (2) or more of the punishments, or by reducing the monthly salary of the officer by not more than twenty percent (20%) for not more than six (6) months, or by removing or dismissing from the service of the department any officer so found guilty.
- (8) For the purpose of hearing charges against any officer, as set forth in this section, there is created a trial board, which shall consist of the commissioner and a panel of ten (10) officers of the department appointed by the commissioner which shall be composed of six (6) commercial vehicle enforcement officers, two (2) facilities security officers, one (1) arson investigator officer, and one (1) hazardous devices investigator officer. The commissioner shall designate from the panel seven (7) members consisting of four (4) commercial vehicle enforcement officers, one (1) facilities security officer, one (1) arson investigator officer, and one (1) hazardous devices investigator officer, to hear charges against any officer in the manner and under the procedures established by this section. The commissioner may promulgate reasonable administrative regulations governing the procedure before the trial board that do not conflict with this section. The panel or trial board shall be a continuing body and the officers designated shall serve on the board or panel in addition to their other duties without any increase in compensation, except they may be reimbursed for meals, lodging, and traveling expenses incurred while in the performance of their official duties as members of the board or panel. Any officer defendant may for cause challenge the right of any member of the board in the trial of any action against him, and if the remaining members of the board find that the challenge is justifiable, the member of the board shall be excused from hearing the charges, and another member substituted from the panel.
- (9) No officer is entitled to a hearing as provided in this section unless his suspension is for more than twenty (20) days, or his pay reduced more than ten percent (10%), except that if the officer receives more than twenty (20) days suspension or reduction in salary of more than ten percent (10%) within a period of one (1) year, he shall have the right to a hearing as provided by this section.
- (10) Any officer appointed to the department under this section shall be considered on probation for a period of one (1) year from and after the date of his appointment, and during that period may be discharged or suspended or reduced in rank or pay, with or without cause, by the commissioner. The rights conferred upon an officer

for a hearing, as provided in this section, shall not accrue until the officer has been employed by the department for a period of one (1) year or more.

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